

CITY OF MUSKEGON  
PLANNING COMMISSION  
REGULAR MEETING  
MINUTES

August 12, 2004

P. Sartorius called the meeting to order at 4:01 p.m., and roll was taken.

MEMBERS PRESENT: T. Harryman, J. Aslakson, B. Mazade, S. Warmington, P. Sartorius, T. Johnson, T. Michalski, L. Spataro

MEMBERS ABSENT: B. Smith

STAFF PRESENT: J. Kinney, M. Cameron, C. Brubaker-Clarke, L. Anguilm, H. Griffith

OTHERS PRESENT: S. Czadzeck, Driesenga & Associates; T. Switzer, Taylor Building; T. Matthews, Pastor of Waalkes Temple Church; T. Puisis, 494 Monroe; V. Hubbard, 1367 Park; J. Edmonson, President & CEO of Muskegon Area First; B. Cook, 297 W. Clay.

APPROVAL OF MINUTES

A motion to approve the minutes of the regular meeting of July 15, 2004 was made by S. Warmington, supported by T. Harryman and unanimously approved.

L. Spataro arrived at 4:03 p.m.

PUBLIC HEARINGS

Hearing; Case 2004-30: Request for a special use permit for a church expansion in an R-1, Single Family Residential zone at 1404 8<sup>th</sup> street, by Steve Czadzeck (Driesenga & Associates). J. Kinney presented the staff report. The subject property was located at the intersection of 8<sup>th</sup> Street and Monroe Avenue across from Nelson School. The property was 37,989 square feet in size and contained an existing nonconforming church. The property was zoned R-1, Single Family Residential, which permitted church facilities as special uses. The existing church did not have a prior special use approval because it predated the requirement. The applicant proposed a 2,660 square foot addition to the north side of the existing church, which has necessitated the special use approval. The existing building also had a substandard side setback. The property was surrounded by single family zoned property. Adjacent uses included single family residential and Nelson School. The Project Information detail on the plan had generated the following staff comments and/or concerns: a) Zoning of the property, as well as adjacent properties, is R-1 Single Family. The R-T designation needed to be corrected. b) The proposed construction of the building included steel siding. Though there were no design regulations for a nonresidential structure, residential dwellings and accessory structures were prohibited from using steel pole barn style siding. No façade drawings were provided to verify the style or

design of the siding. The exterior materials utilized needed to provide compatibility with the neighborhood. c) The off street parking requirement for a church was one (1) parking space for each six (6) seats or 12 feet of pew. For a 108-seat church, 18 spaces were required. Detailed floor plans needed to be provided to verify parking needs. The 33 spaces in the Nelson School parking lot were sufficient, however, they needed to comply with section 2326(10) Joint Use of Parking Areas. The section provided for appropriate parking space calculations and required a copy of an agreement between joint users be provided to the City. The agreement needed to be provided prior to issuing any permits for the development. On street parking could not be included and the reference needed to be removed. d) The proposed building lighting did not meet the requirements of section 2331(19), which regulated lighting in all districts. All lighting must be directed to and confined within the site. Fixtures are required to be down type with 100% cutoff. Metal halide lighting was allowed as an exception as long as it was of a warm white or natural lamp color. e) Section 2331 provided regulations for protecting existing trees; greenbelt buffers; screening between land uses; mechanical equipment screening; waste receptacle screening; and Planning Commission modification of screening or fencing requirements. The existing trees needed to be protected accordingly. The entire 30-foot setback area surrounding the property needed to be a landscaped buffer per subsection 5. Therefore, no parking areas could be established within the required setback. Screening from adjacent residential uses with four to six foot high screening or landscaping was required per section 7. The mechanical equipment pad required screening with a fence or landscaping. Subsection 18(c) allowed the Planning Commission to waive or modify landscaping requirements under certain conditions. The Site Plan Note Key detail on the plan generated the following staff comments and/or concerns: a) Item E. Section 2326 required all parking areas to be paved and marked or defined by curbs. Therefore, the driveway and the barrier free parking area off the alley needed be paved and curbed. However, section 401(3) (a) required access directly to a major or secondary thoroughfare, rather than an alley. b) Item N. The proposed dumpster enclosure material must match the new building; however, section 2311 prohibited metal siding on accessory structures. The applicant was required to contact the Inspections Department prior to any activity on site to determine building code requirements for the proposed use. Any alterations, remodeling or "change of use" would require sealed architectural blueprints be submitted that reflect the building would meet current code requirements before any permits or certificate of occupancy could be issued." Staff received no public comment. An ordinance excerpt was provided to the commission members for Special Land Uses Permitted in an R-1 zoning district with staff's notes attached to items (in italics). Churches and other facilities normally incidental thereto subject to the following conditions: a) The site shall be so located as to provide for ingress and egress from said site directly onto a major or secondary thoroughfare. *The Planning Commission may consider a condition that would allow the alley access to the paved three space barrier free parking continue unchanged unless access to 8<sup>th</sup> Street or Monroe Avenue is provided in the future. At such time this access is provided, the alley access would be eliminated.* b) The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than thirty (30) feet. *The new building meets the 30-foot setback, though the existing does not. Any reconstruction of the existing building due to damage may require a variance or other special approval to be reconstructed as such.* c) Buildings of greater than the maximum height allowed in Section 2100, may be allowed provided front, side, and rear yards are increased above the minimum requirements by one (1) foot for each foot of building that exceeds the maximum height allowed. *No building façade drawings were provided to review per this standard.* Staff recommended approval of the

request with conditions.

S. Czadzeck stated staff's concerns were addressed in a new site plan he had copies of available. He displayed architectural plans for the commission. They didn't have a copy of to the parking agreement yet. They understood it was a condition of approval. T. Johnson asked if it would be a pole style building. T. Switzer stated it would. L. Spataro stated metal siding was less expensive, but wasn't compatible with the other structures in the neighborhood. T. Switzer stated they could upgrade to vinyl if necessary. T. Michalski asked if they had contacted Muskegon Public Schools' administration regarding the parking agreement. T. Matthews stated he tried but kept getting their voice mail and had left messages. T. Harryman asked if the additional parking was addressed. S. Czadzeck stated they counted on using the school's parking and as the church expanded, they would look at additional parking. J. Aslakson asked if there could be provisions for parking in the agreement that could limit it to a certain day. J. Kinney stated the ordinance didn't have any detail about requirements, but the agreement should reflect the hours of the church and that their parking wouldn't conflict with the school's hours of operation. T. Puisis stated the church was located outside his front window. He had no complaints about the people attending the church. He felt the church needed to have some work done on it. He was concerned with the parking situation. He wanted the new building to blend in with the neighborhood. V. Hubbard stated she didn't mind the building, but wanted to know how far the building would be from her fence. J. Kinney stated the setback requirement was 30 ft. from the property line. He showed her the site plan. J. Aslakson asked if there were any elevations of the Monroe Ave. side of the proposed building. T. Switzer stated there wouldn't be anything on that side of the building. J. Aslakson clarified that there would be no windows or doors. T. Switzer agreed.

A motion to close the public hearing was made by L. Spataro, supported by T. Harryman and unanimously approved.

L. Spataro stated churches add stability. He wanted to see the proposed building be more compatible with the neighborhood. He wanted vinyl siding. T. Harryman asked if the siding should be horizontal. L. Spataro stated it should. T. Johnson asked if the siding were changed, would the construction of the walls have to be changed. T. Switzer stated there was an added cost with vinyl, but construction of the walls would remain the same. P. Sartorius asked if a landscaping plan had been submitted. J. Kinney stated it hadn't yet. S. Czadzeck stated they hadn't done the landscaping plan yet. They were trying to save the oak tree and would seed the lawn. P. Sartorius stated with the 30-ft. setback, there was room for landscaping and buffering from the neighboring homes. J. Kinney believed there could be a minimum buffering of just grass in most areas. He stated the biggest concern was for the south property line and that fencing would be more appropriate than landscaping. P. Sartorius stated he wanted to see the buffering addressed, especially along the south side. He asked the applicant if they were willing to meet with staff to discuss landscaping. S. Czadzeck stated they were.

A motion that the special use permit and associated site plan for the church in a residential zone district for Walker's Temple Church be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in Section 2332 of the City of Muskegon Zoning Ordinance based on the following conditions: 1) A revised site plan incorporating all missing items as discussed in this report shall be submitted within 6 months of approval. 2) Alley

access to the paved three space barrier free parking may continue unchanged until or unless access to 8<sup>th</sup> Street or Monroe Avenue is provide in the future or a change in the parking situation occurs. At such time this access is provided the alley access shall be eliminated. 3) There will be a signed parking agreement with the school board. 4) The building will have horizontal vinyl siding, was made by J. Aslakson, supported by L. Spataro and unanimously approved.

Hearing; Case 2004-31: Request for a Preliminary Planned Unit Development approval for a mixed use residential and commercial development on the former Muskegon Mall Property (100 Muskegon Mall) by Chris McGuigan (Downtown Muskegon Development Corporation). J. Kinney presented the staff report. The subject property was the site of the former Muskegon Mall, encompassing approximately eight blocks downtown. A number of buildings still existed within the boundaries of the PUD. Two vacant buildings with historic character could be reused in the project. Redevelopment of the Western Avenue corridor was a major tenant of the Imagine Muskegon Report. Staff had not received any phone calls or letters. The PUD ordinance sections permit and regulate PUDs. Staff discussion included: 1) The uses proposed would have a beneficial effect, in terms of public health, safety, welfare, or convenience of any combination thereof, on present and potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation systems, surrounding properties, or the environment. *The mixed-use commercial and residential concept met the standard. The uses would have a positive and beneficial effect upon the underutilized and previously disconnected public utility and circulation systems. Surrounding properties would likely see increased values and the environment will benefit with new landscaping, etc.* 2) The uses proposed should be consistent with the land use plans adopted by the City. *The uses, commercial and residential, were consistent with the Imagine Muskegon Report and the 1997 Downtown/Lakeshore Redevelopment Plan.* 3) The amount of open space provided which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance. *Provision of open space include street trees and Hackley Park, adjacent the site. Based upon the applicant's statement the site was being marketed as a multi-developer project and lots sold according to their needs, any open space provision required by the Planning Commission might be a condition that the open space be at a designated site with specific designs or a generalized statement that a certain amount of open space would be required and installed once a percentage of the development had taken place.* 4) The amount of off-street parking areas, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance. *The amount of off-street parking had not been shown nor determined. Under the proposal, the parking needs would not be known until a developer came to the table.* 5) The amount of landscaping and buffering areas, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance. *The applicant had stated design of streetscaping, lighting, etc., would closely follow the Imagine Muskegon Report. As a high-density urban area, landscaping and buffering would not be as significant as outside of downtown.* 6) The protection or enhancement of significant natural, historical, or architectural features within the proposed development area. *Two buildings with significant architectural and social histories were to be saved. Other buildings could remain or be removed by the prospective developer.* 7) The uses proposed will result in safe, convenient, uncongested and well-defined vehicular and pedestrian circulation systems. *The uses, and layout, are designed to mirror or bring back the patterns of*

*the old downtown, which traditionally functioned very well.* Preliminary PUD Plan Submission. The applicant shall submit together with the application for PUD preliminary phase approval: a) A general development plan depicting the proposed locations of streets, parking areas, open spaces, buildings and structures, and their spatial relationships, the relationship to off-site improvements and infrastructure and any unusual topographic features. *The nature of the development and marketing strategies made it difficult to represent all the information. Staff felt the plan sufficiently depicted the information in a manner consistent with this requirement such that approval could be given.* Staff recommended approval of the preliminary PUD request based upon the above review of the Standards for Approval of PUD Plans and the Preliminary PUD Plan Submission requirements.

J. Aslakson asked if the final PUD would be done in steps. J. Kinney stated the applicant could better answer the question, but it would be better for the final PUD approval to be done in phases. J. Edmonson gave a brief overview of what they planned to do. He had reviewed the 1997 Master Plan and the Imagine Muskegon plan. The demolition had been completed and grinding of the concrete was being done. He described the mixed uses (retail and residential) and larger sidewalks for pedestrian access. They wanted to have the construction of the streets and utilities completed by spring. He provided an informational packet regarding grants, etc. They had spoken with possible developers, both local and out of state. Due to the demolition and blowing sand, they would be planting rye and dune grasses to keep the blowing sand at a minimum. As sites were developed, adjacent vacant sites would be sodded. They had ideas for interim uses such as an ice rink and driving range. The final PUD would be done in phases and there could be multiple phases at a time. They were open to suggestions. L. Spataro stated the underlying zoning was B-3, which allowed for zero lot line and two-story buildings. The area should be reflective of a historic main street feel. He asked if there would be a problem with this for the possible developers they had spoken with. J. Edmonson stated the developers liked the idea. L. Spataro asked if they would be opposed to placing a temporary sidewalk along First Street. J. Edmonson stated they also thought of that. J. Aslakson asked if there were any plans for the property surrounding the Post Office. He didn't want the Post Office hidden. J. Edmonson stated they saw the Post Office as an anchor and didn't want to hide it. J. Aslakson asked if they were seeking developers by block or site. J. Edmonson stated there wouldn't be a minimum amount of land required for the developers. They would be allowed to develop as much as they needed to. J. Aslakson stated that it would be better for lots closest to downtown to be developed first. He wanted to see the other three buildings saved. He asked if there were going to be building standards for the developers. J. Edmonson stated they were working on them. T. Harryman stated he agreed with the proposed parking plan, with angled parking on Western and the smaller streets with parallel parking. He felt the Post Office should be seen. He was concerned with the wording that the façades of the two buildings would be saved and used somewhere on the site. He liked the wording in the new information packet stating the two buildings would be saved. P. Sartorius liked the sectional approach for the development. He was concerned the most desirable areas should have the proper uses located there. He understood the site was removed from the DDA and suggested it be placed back in it. J. Edmonson stated the Finance Director stated it couldn't. B. Mazade added there would be funding through the Brownfield TIFA. P. Sartorius suggested section 108 dollars under CDBG be used for a match. B. Mazade stated they would like to use CDBG dollars, but not section 108 and they would work with the County. J. Edmonson stated the MEDC has released more grant money and the property was on the list for possible funding. P. Sartorius stated the

preliminary footwork had been started on the historic buildings and the deadline is around January 23<sup>rd</sup> to file for historic tax credits. B. Cook stated his windows face the site and there was a problem with blowing sand right already. J. Edmonson stated they would start planting the rye and dune grasses in the fall.

A motion to close the public hearing was made by B. Mazade, supported by J. Aslakson and unanimously approved.

J. Aslakson felt the goal of involving as many people as possible in this project has been met and was in favor of the request.

A motion that the Preliminary Planned Unit Development for a mixed use residential and commercial development on the former Muskegon Mall Property be recommended to the City Commission for approval, was made by L. Spataro, supported by J. Aslakson and unanimously approved.

## NEW BUSINESS

Case 2004-32: Request to review the Preliminary Report regarding possible historic designation of the Boilerworks buildings at 1204 Eighth Street. L. Anguilm gave the staff report. She explained the study committee process. 60 days after the Planning Commission review there would be a public hearing held and then the City Commission had up to one year to accept or reject the designation. The Planning Commission could decide whether or not to make a recommendation to the City Commission. The Study Committee unanimously recommended historic designation of the site.

L. Spataro asked which buildings were included. L. Anguilm stated the office and the Boilerworks buildings. The yellow building hadn't been included but could be looked at later. J. Aslakson asked if the public hearing was before the City Commission. L. Anguilm stated the public hearing could be at the City Commission meeting. B. Mazade added the study committee was responsible for holding the public meeting.

A motion that the Preliminary Report regarding possible historic designation of the Boilerworks buildings at 1204 Eighth Street be accepted and recommended to the City Commission for approval, was made by S. Warmington, supported by T. Harryman and approved with L. Spataro voting nay.

## OLD BUSINESS

Harbour Towne – B. Mazade stated that the Condominium Association hadn't responded yet.

Sidewalks – L. Spataro felt there should be sidewalk guidelines/provisions in the zoning ordinance for development projects. He gave some examples. P. Sartorius asked if he had seen a model ordinance somewhere. L. Spataro stated he hadn't but did find articles about them. P. Sartorius suggested forwarding any information he finds to staff for their review. C. Brubaker-Clarke stated it was a good idea, but with staffing levels being low, it could have to wait to be looked at once staffing levels are up. Should the Planning Commission wish to still proceed, J.

Kinney could provide a price for his time to draft an ordinance. B. Mazade had suggested adding sidewalk requirements as a standard to the site plan section of the ordinance.

ADJOURN

There being no further business, the meeting adjourned at 5:22 p.m.

hmg